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Yet on page 2 of the Action, the Examiner notes that all of the claims in all of the 5 groups listed by the Examiner are classified under the exact same class and subclass. If each of the 5 groups of claims indeed defines a distinct invention, then why hasn't each group been recognized in the art and by the PTO to date as being a distinct invention? If separate official PTO subclasses had been created for the different groups of claims, that fact might be considered evidence that each group defines a distinct invention, but such is not the case here.

Upon review of the PTO classification schedules, applicant can find no class or subclass that specifically relates to diagnostic tests for clocks, to say nothing of different types of diagnostics tests for clocks. Thus, applicant submits that the state of the art in this area is not yet sufficiently developed to demonstrate that different types of diagnostic tests for clocks have achieved a separate or distinct status in the art. See MPEP § 808.02. Also, assuming class 368/46 is indeed the correct class for this application, then it would seem that searching this one class would permit the Examiner to search, without serious burden, for possible prior art that may be relevant to any or all of the claims of this application. See MPEP § 803.

Simply because the present invention can perform more than one diagnostic test (memory test, protocol test, motor test, etc.) does not mean that each test (or circuitry for performing the test) is a completely separate invention. Indeed, one of the major advantages and novel aspects of this invention is the ability of the user to perform more than one test using the same circuitry. Note, for example, that there is only one microprocessor 10, one push-button user control and one LED indicator light in the circuitry of this invention (see FIG. 3). Note also that at least 8 different tests can be performed by the invention. See paragraphs [0037] and [0058] of the published application, Pub. No. US 2004/0167739. It would be hugely wasteful and inefficient to use 8 different microprocessors here, one dedicated to performing only a memory test, another one dedicated to performing only a motor test, etc.

In addition, applicant disagrees that each of the 5 groups of claims listed by the Examiner defines an invention that is "separately usable." Each of the test modes in the application is specifically designed for use in a specialized electronic master-slave clock

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system. The motor test, for example, (Group IV) could not feasibly be used in testing other types of motors such as industrial motors, disk drive motors, etc. Similarly, the memory test (Group V) is not designed for, and indeed most probably would not work in connection with, testing memories used in automobile diagnostic systems, for example. All of the test modes in the present invention are designed to work together in a single, coordinated fashion.

Accordingly, applicant requests that the Examiner reconsider, and withdraw, the restriction requirement.

Respectfully submitted,
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